

REMARKS

The Office Action mailed on November 14, 2008, has been carefully considered. The following remarks are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1-7, 10, and 12-31 are currently pending in the instant application. Claims 1-7, 10, and 12-31 have been cancelled without prejudice, Applicants reserving the right to prosecute claims 1-7, 10, and 12-31 at a later time. New claims 32-59 have been added for consideration by the Examiner. No new matter is introduced by new claims 27-31. Independent claims 32, 48, and 53 are similar to previous claims 1, 16, and 20, respectively.

Claims 20-23, 26, 30-31 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. With regard to the rejection of previous claim 20, new claim 53 recites a positioning member disposed about a central polar axis and comprising a plurality of circumferentially spaced-apart haptic arms joined to a plurality of circumferentially spaced-apart positioning legs. With regard to the rejection of previous claims 27 and 29 due to the "opening" recited in previous claim 1, Applicant traverses this rejection. However, new independent claim 32, which is similar to previous claim 1, does not recite an opening, rendering any similar rejection moot with regards to new claims 45 and 47, which are similar to previous claims 27 and 29.

Claims 1-7, 10, 12-19 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, new independent claim 32, which is similar to previous claim 1, does not recite an opening, while new claim 48, which is similar to previous claim 16, has been amended to preclude a similar rejection.

Claims 1-7, 10, and 12-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USPN 7,097,660 ("Portney"). Applicants respectfully traverse the rejection; however, to advance the current application, claims 1-7, 10, and 12-31 have been replaced by new claims 32-59, where independent claims 32, 48, and 53 generally corresponds to amended versions of previous claims 1, 16, and 20, respectively.

New claims 32, 48, and 53 are patentable over Portney. For example, Portney does not teach an intraocular lens comprising, in pertinent part, a positioning member comprising an

outer body with an outer surface that is arcuate along a plane parallel to, and passing through, an optical axis, the outer body including anterior and posterior segments, an optic being connected to the positioning member at a location central to the outer body in a direction along the optical axis, the anterior segment located anterior to the optic in a direction along the optical axis and the posterior segment located posterior to the optic in a direction along the optical axis, as required by new claim 32.

Nor does Portney teach an intraocular lens comprising, in pertinent part, a positioning member comprising an outer body including a plurality of anterior segments, corresponding posterior segments, and bights disposed between the anterior segments and the posterior segments, the anterior segments circumferentially defining a central opening in the outer body, the central opening intersecting the central polar axis at a location anterior to the optic, as required by new claim 48.

In addition, Portney does not teach an intraocular lens comprising, in pertinent part, a positioning member disposed about a central polar axis and comprising a plurality of circumferentially spaced-apart haptic arms joined to a plurality of circumferentially spaced-apart positioning legs, each of the haptic legs having an outer surface that is arcuate in a plane parallel to, and passing through, the central polar axis, the legs being joined with an optic via the haptic arms, as required by new claim 53.

At least because Portney does not teach all of the limitations of claims 32, 48, and 53, Applicants request the Examiner allow claims 32, 48, and 53. Claims 33-47, 49-52, and 54-59 depend from claims 32, 48, or 53 and further define the invention of claims 32, 48, and 53. Thus, claims 33-47, 49-52, and 54-59 are patentable over Portney at least for the same reasons that claim 32, 48, and 53 are patentable thereover, and are patentable in their own right as well.

CONCLUSION

Applicant respectfully asserts that the claims now pending are allowable over the prior art. Therefore, Applicant earnestly seeks a notice of allowance and prompt issuance of this application.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,
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